# OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

850 Union Bank of California Building 900 Fourth Avenue Seattle, Washington 98164 Telephone (206) 296-4660 Facsimile (206) 296-1654

# REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services

File No. **L98P0027** 

Proposed Ordinance No. 1999-0288

# **CEDAR HEIGHTS ESTATES**

**Preliminary Plat Application** 

Location: 220 South 362nd Street

Owner: Patricia H. Hall

2201 South 362nd Street Federal Way, WA 98003

Applicant: John Merlino

Harbour Homes by Geonerco 1010 South 336th Street, Suite 305 Federal Way, WA 98003-6385

# SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation: Approve, subject to conditions

Department's Final Recommendation: Approve, subject to conditions (modified) Examiner's Decision: Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted: September 9, 1998 Complete application: September 18, 1998

**EXAMINER PROCEEDINGS:** 

Hearing Opened: June 15, 1999, 9:32 AM

Hearing Closed: June 15, 1999, 9:55 AM

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

# ISSUES/TOPICS ADDRESSED:

- Recreation area
- Road standards

#### **SUMMARY:**

39-lot subdivision approved

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. General Information:

Owner: Patricia H. Hall

2201 South 362nd Street Federal Way, WA 98003

Developer: Harbour Homes by Geonerco

Attn: John Merlino

1010 South 336th Street, Suite 305 Federal Way, WA 98003-6385

Engineer: Barghausen Consulting Engineers, Inc.

Attn: Jeff Potter

18215 72nd Avenue South

Kent, WA 98032

Location: 220th South 362nd Street, King County

Parcel Nos: 282104-9012 and 282104-9154

STR: NE, SW 28-21-04

Zoning: R-4 (4 dwelling units per acre)

Acreage: 9.71 Number of Lots: 39

Density: 4 dwelling units per acre

Typical Lot Size: Ranges from 5,000 to 11,700 square feet

Proposed Use: Single family residential Sewage Disposal: Lakehaven Utility District Water Supply: Lakehaven Utility District

Fire District: No. 39 School District: Federal Way Complete Application Date: September 1, 1998

- 2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the June 15, 1999, public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the hearing record.
- 3. The Department of Development and Environmental Services has proposed minor modifications to recommended conditions 8.b. and 11, and an additional condition 15. These new and revised conditions are contained in Exhibit No. 20. The Applicant concurs with these revisions and addition to the recommended conditions.
- 4. All parties concur that the recreation tract should be modified to provide direct access to 23rd Place South, as well as 22nd Place South. The final engineering plans and plat shall make minor modifications to the lot lines to accommodate a panhandle or similar reconfiguration of Tract B. These modifications can be approved by the Department of Development and Environmental Services, following review by the King County Parks and Recreation Division.
- 5. The Applicant has agreed to provide improvements to the south side of South 362nd Street, adjacent to the plat, to provide 28 feet of roadway along the plat frontage. The Department of Development and Environmental Services and the Applicant shall determine the necessary right of way dedication, not to exceed 18 feet along South 362nd Place, to accommodate the increased pavement width and construction in accordance with the King County Road Standards.

# **CONCLUSIONS:**

- 1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Federal Way Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
- 2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
- 3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
- 4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

# **DECISION:**

The proposed subdivision of Cedar Heights Estates, as revised and received December 2, 1998, is granted preliminary approval subject to the following conditions of final approval:

- 1. Compliance with all platting provisions of Title 19 of the King County Code.
- 2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
- 3. The plat shall comply with the base density (and minimum density) requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
- 4. The applicant must obtain final approval from the King County Health Department.
- 5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS), subject to any variances which may be granted by the King County Road Engineer.
- 6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
- 7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:
    - "All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  - d. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project [See attachment 2]. The conditions for variance approval shall be satisfied during design and review of the project engineering plans.

e. Core Requirement No. 2: Off-site Analysis

The applicant's downstream analysis identified drainage complaints located west of the site along the proposed downstream path of Hylebos Tributary No. 0016. A downstream culvert that passes Tributary No. 0016 under SR161 (Enchanted Parkway) was enlarged in 1998 under Roads CIP Project No. 2444 to resolve previous drainage issues.

f. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using design standard BW-2 as specified in the Hylebos Creek and Lower Puget Sound Basin Plan. The BW-2 standard is defined slightly differently in Ordinance 11087 than was published in the Draft Plan. Controlling the post-developed 2-year and 10-year storm events to predeveloped conditions and applying a 30% volumetric safety factor is required.

Biofiltration of storm water is also required for water quality enhancement. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

g. Core Requirement No. 4: Conveyance Systems.

An existing, off-site outlet pipe with easement will be utilized to convey treated stormwater from the detention facility to the receiving water. This pipe must contain the 100-year, undetained, developed flow. Its capacity must be verified by establishing its slope through normal survey methods.

h. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required. Page 6 in the King County sensitive area folio identifies a class 2S stream located within one mile of the project, therefore, if the amount of impervious surface subject to vehicular use exceeds 1 acre, a wet pond will be required.

i. Special Requirement No. 11: Geotechnical Analysis and Report.

Depending upon the final design and location of the drainage facilities, a supplemental soil report may be required for submittal with the engineering plans. Development of the site shall comply with the erosion hazard standards specified in KCC 21A.24.220. The final engineering plans shall provide the design requirements and notes to indicate the

applicable standards for clearing and grading.

- 8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. During preliminary review the applicant submitted a road variance application (File No. L98V0141) regarding stopping sight distance along South 362<sup>nd</sup> Street at proposed 23<sup>rd</sup> Place South. Because the existing neighborhood to the north was provided 28-foot road surface widths, South 362<sup>nd</sup> Street was assumed a subcollector requiring 200 feet of stopping sight distance at a design speed of 30 m.p.h. Under those conditions, the variance was denied despite County approved fixed grade and curb along the north side of South 362<sup>nd</sup> Street. The applicant has provided a traffic count and vehicle speed study that demonstrates that South 362<sup>nd</sup> Street operates as a subaccess street despite its width. The Subdivision Technical Committee of King County agrees that South 362<sup>nd</sup> Street operates as a subaccess street and therefore meets the 150-foot stopping sight distance requirement across its frontage as suggested in road variance L98V0141.
  - b. South 362nd Street shall be completed with a total of 28 feet of roadway along the plat frontage. Proposed 22nd Place South shall be improved as a minor access street. Proposed 23rd Place South shall be improved as a sub-access street.
  - c. Tract C shall be improved as a private joint use driveway that serves a maximum of two lots. The served lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
  - d. The right of way necessary to complete improvement to South 362nd Street along the plat frontage shall be determined during engineering plan review, and that right of way, not to exceed 18 feet, shall be dedicated to King County.
  - e. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt.
  - f. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
  - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid

- shall be the amount in effect as of the date of building permit application.
- 11. Except for lot number 27, there shall be no direct vehicular access to or from South 362<sup>nd</sup> Street from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
- 12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. The recreation tract shall be revised to include a panhandle, or make other provision satisfactory to the Department of Parks and Recreation and DDES, for convenient and safe access to 23rd Place South.
  - b. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - c. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item b., shall be submitted for review and approval by DDES and King County Parks and Recreation prior to or concurrent with the submittal of the final plat documents.
  - d. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
- 13. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
- 14. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 22<sup>nd</sup> Place South, 23<sup>rd</sup> Place South, and along the subject property's frontage of 362<sup>nd</sup> Street per King County Road Standards [5.03]. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.

- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

15. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

ORDERED this 16th day of June, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 16th day of June, 1999, to the following parties and interested persons:

Jeff Anders Jeff Potter

Carl Burleigh Calvin M. Purfeerst
Roger Dorstad Pete & Kathleen Roberts

Hal Grubb Seattle-King County Health Dept

Patricia Hall Gary Smith
Julie and Doug Hart Janet Vahala
Chuck & Angelita Hastings Jami Winslow
M. Burnett Larson Mark Bergam
Linda Matlock Greg Borba

Linda Matlock Greg Borba
John Merlino Kim Claussen
Eleanor Moon Nick Gillen

Kristen Langley Aileen McManus Lance Moreno Jackie Reid Steven C. Townsend Larry West

## NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 30, 1999. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 7, 1999. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

James N. O'Connor was the hearing Examiner in this matter. Participating in the proceeding were Lance Moreno and Mark Bergam, representing the County, and Jeff Potter.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services File No. L98P0027
Exhibit No. 2	Department of Development and Environmental Services preliminary report dated
	June 15, 1999
Exhibit No. 3	Application dated September 1, 1998
Exhibit No. 4	Environmental checklist received August 4, 1998
Exhibit No. 5	Determination of Nonsignificance dated May 12, 1999
Exhibit No. 6	Affidavit of Posting indicating June 8, 1999, as date of posting revised notice and June
	11, 1999, as the date the affidavit was received by the Department of Development and
	Environmental Services
Exhibit No. 7	Plat map dated December 2, 1998
Exhibit No. 8	Land use map 745W
Exhibit No. 9	Assessors maps NE, SW 28-21-04

28, 1998
Exhibit No. 11 Letter dated November 20, 1998 (revised November 30, 1998), from Raymond A. Coglas (Earth Consultants, Inc.) to Harbour Homes regarding Geotechnical Review; Proposed

Exhibit No. 10 Level 1 Drainage Report prepared by Barghausen Consulting Engineers, Inc. dated July

**Drainage Facility** 

- Exhibit No. 12 SWM Variance (File No. L98V0057), dated December 8, 1998
- Exhibit No. 13 Road Variance (File No. L98V0141), dated January 21, 1999
- Exhibit No. 14 Traffic Impact Analysis prepared by the Transpo Group dated November 24, 1998, and received December 2, 1999
- Exhibit No. 15 Memorandum dated February 3, 1999, from Milton Lim (the Transpo Group) to Jeff Potter (Barghausen Consulting Engineers) re Pipeline Traffic
- Exhibit No. 16 Letter dated November 14, 1997, from Thomas D. Deming (Watershed Dynamics) to Harbour Homes re Wetland Site Reconnaissance
- Exhibit No. 17 Preliminary Grading and Storm Drainage Plan dated January 18, 1999
- Exhibit No. 18 Letter dated August 20, 1998, from Geri Walker (Federal Way Public Schools) to Lance Moreno (DDES)
- Exhibit No. 19 Letter dated June 9, 1999, from Jeff Chalfant (Barghausen Consulting Engineers) to Lanes Moreno (DDES) re School Access
- Exhibit No. 20 New and revised conditions submitted by DDES staff

JNOC:daz plats\L98\L98P0027 rpt